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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/294,964 04/20/99 BILSTAD

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IM52/0410

mj
EXAMINER

MARK J BUONAIUTO ESQ
CORPORATE COUNSEL
BAXTER INTERNATIONAL INC
ONE BAXTER PARKWAY DF2-2E
DEERFIELD IL 60015

SOURA, I

ART UNIT	PAPER NUMBER
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1744

DATE MAILED:

04/10/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/294,964	BILSTAD ET AL.	
	Examiner	Art Unit	
	Imad Soubra	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1) Responsive to communication(s) filed on 05 March 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-56 is/are pending in the application.

4a) Of the above claim(s) 18-33 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-17 and 34-56 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims 18-33 are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 20 April 1999 is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some * c) None of the CERTIFIED copies of the priority documents have been:

1. received.

2. received in Application No. (Series Code / Serial Number) _____.

3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

18) Interview Summary (PTO-413) Paper No(s) _____

19) Notice of Informal Patent Application (PTO-152)

20) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 14-17, 34-36 and 46-47 are rejected under 35 U.S.C. 102 (b) as being anticipated by Granzow et al. Granzow et al inherently discloses the same method and system for sterilizing and adjoining two ends of a tube exposing the ends to radiant energy for a certain period of time. Granzow et al teaches to utilize radio frequency energy of the like as the radiant energy, opaque wall portions 30 (column 4, lines 15-23). The reference also teaches that a sterile connection can be made by briefly exposing the infrared radiation, to melt the opaque wall sections, fusing them together and forming an aperture through the sections (column 4, lines 24-41). Granzow further teaches that a laser may also be used as desired to provide the radiant energy (column 2, lines 31-41). In addition, the reference refers to the drawing which is an elevated view of a pair of conduit ends, the other ends of which may be connected to a pair of blood bags or the like, each terminating in a pair of housings which carry an opaque, thermoplastic wall portion in accordance with his invention (column 2, lines 48-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-7, 37-40 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granzlow et al in view of Wakalopoulos. Granzlow et al. fails to disclose the voltage ranges used to conduct the method. However, Wakalopoulos teaches the voltage ranges used to curing hot melt adhesives. The ranges stated in the claimed invention reads on what the patent of Wakalopoulos uses. For instances, the reference teaches that the first high voltage, 30 kV, being a lower voltage, will affect primarily the surface of the material being treated. The second high voltage, 60 kV, being a higher voltage, will affect the surface, but with a greater amount of penetrating power, will also affect a greater depth of material (column 6, lines 24-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time that the invention was made to determine the voltage ranges and incorporated those ranges into the patent of Granzow et al and disclosing those voltage ranges which is notoriously well known in the art.

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3. Claims 8-13, 41-45 and 50-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granzlow et al in view of Caputo et al. Granzlow et al fails to disclose the gas treatment, UV and ozone exposure and the system being automated. However, Caputo et al teaches all these elements in his inventions. The reference teaches that the operation is being controlled by the central processing unit (CPU) (column 9, lines 4-20). Caputo et al further teaches that the treatment of hydrogen peroxide and peracid gas to sterilize objects is notoriously well known in the art (column 7, lines 21-45). The reference also teaches that UV (column 8, line 16) and ozone (column 1, line 60) formed from current whereby articles are sterilized. Therefore, it would have been obvious to one having ordinary skill in the art at the time that the invention was made to incorporate these missing elements into the invention of Granzlow and Wakalopulos and claim these limitations into the claimed invention as described in the application.

Applicants' Arguments

4. The presently rejected Claim 1 requires "preparing the ends of each component to be joined while exposed to the active sterile field." Further, Claim 1 requires "joining the prepared ends together while exposed to the active sterile field." The Examiner has apparently overlooked the scope of these two limitations.

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5. Wakalopulos is directed to an electron beam array for curing thin coatings. Nowhere within this reference does it teach the use for sterilization. The Examiner has pointed to no such teaching.

6. The Examiner has not pointed to any motivation to combine this reference with Granzow. Because Granzow requires the radiant energy to pass through the transparent housing to melt the disc, how would the use of gas treatment or ozone accomplish this task? The Examiner has provided no explanation of how this would be obvious to one skilled in the art.

Response to Applicants' Arguments

4. The Applicants' Argument is respectfully traversed by the Examiner. The Examiner has interpreted the claims as broad as possible in order to find prior art that reads on the claim. The Examiner has applied the patent of Granzow et al because it shows radiation is being used as a sterile field and column 2, lines 22- 33 suggests that any bacteria residing upon the exterior surfaces of the opaque wall portions are entrapped in the melted mass and preferably killed by exposure to the melting temperature of the opaque wall portions. Also, in the figures 1-5 show that the two conduits are being joined while the sterile field is applied on the conduits.

5. The motivation in this case does not have to be in reference to sterilization but the use of energy applied onto materials. The applicant used two different range of electric

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beam field wherein the Examiner applied prior art that reads on the claim and states that the amount of electric field beam sources are known where this range is used due to the penetration of the material as stated in rejection statement 2 of the office action. This would be the motivation for combining the references.

6. The Applicants' Argument is respectfully traversed by the Examiner. In rejection statement three, the patent of Caputo suggests that these elements are used to sterilize objects and the CPU is used to control the function of the device as mentioned above.

Conclusion

Any inquiry concerning this communication from the examiner should be directed to Imad Soubra whose telephone number is (703) 305-3541. The examiner can normally be reached on 8:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3599 for regular communications and (703) 305-5408 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1193.

Imad Soubra
March 27, 2001

Robert J. Warden, Sr.
**ROBERT J. WARDEN, SR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700**